

AN ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE, WHEN DOG IS PUBLIC NUISANCE, PROVIDING FOR LICENSING THEREOF; PROVIDING A PENALTY FOR VIOLATION THEREOF; AND REPEALING ORDINANCE NO. 1, SERIES 1976 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT.

THE CITY OF ELGIN DOES ORDAIN AS FOLLOWS:

SECTION 1 Definitions

- A. "Dog" shall include both male and female.
- B. "Owner" shall include any person, firm, or corporation owning, keeping, or harboring a dog.
- C. "At Large" is intended to mean off the premises owned or occupied by the owner, but a dog does not run at large when under the control of its owner or a custodian by an unserverable leash of not more than eight feet in length or when in or on a vehicle belonging to or being operated by its owner or custodians.

SECTION 2

Running at large prohibited. No owner or keeper of any dog shall permit such dog to run at large.

SECTION 3

When dog is Public Nuisances. A dog is a public nuisance if it:

- (1) Bites a person
- (2) Habitually chases vehicles or persons
- (3) Damages or destroys property of persons other than the owner of the dog.
- (4) Scatters garbage
- (5) Habitually trespasses on private property of persons other than the owner of the dog.
- (6) Disturbs any person by frequent or prolonged noises
- (7) Is a female in heat and running at large

SECTION 4

Protection of Dogs.

- A. No person shall place or expose any poisonous substance which, if taken internally, might cause death or serious sickness, to any person, domestic animal, or fowl, in an exposed or public place.
- B. It shall be the duty of any person operating a vehicle involved in an accident resulting in the injury or death of a dog to report the same to the Elgin Police Department by telephone or in person, and to make a written report within 24 hours after the occurrence of such accident giving the revelant information concerning the accident.
- C. No person shall willfully injure, torture, torment, mutilate, deprive of necessary food or water, cruelly kill or beat any dog.

SECTION 5

Procedures:

- A. Impounding: It shall be the duty of every Police Officer, and any other duly appointed or designated person, to apprehend any dog found running at large and to impound such dog in a suitable place. The impounding officer shall make a record of the breed, color, sex, licensed number (if licensed), and name and address of owner if known or reasonably ascertainable.
- B. Notice to Owner and Redemption: A notice shall be posted on the bulletin board of the City Hall in Elgin, Oregon for a period of five days, after the taking of a dog. If the dog remains unclaimed after a period of five days from the posting of the notice, then the dog shall be disposed of by the City of Elgin through its police force, in a manner that they shall deem wise. If the owner redeems the dog within the five day period then the owner shall pay a fine plus the actual cost and expense incurred in the seizure, and cost for holding and maintenance of the dog.

SECTION 6

License:

- A. Every owner of a dog which has grown a set of permanent canine teeth or has attained the age of six (6) months, which ever event occurs first, shall immediately obtain a license for the dog.
- B. Licenses shall be valid from January 1st to December 31st and are renewable on January 1st of each year, provided further that a late penalty shall be collected for each dog not licensed within 90 days from the time prescribed.
- C. No license shall be issued until a certificate of vaccination for rabies, valid for the license year is presented.
- D. For record purposes, a new owner of a licensed dog is required to notify within thirty (30) days the City Police Department at no additional cost to the owner.
- E. A license tag issued to a dog owner shall be attached securely to the collar or harness on the dog for which it was issued. If a license tag is lost the owner may obtain a duplicate license tag upon satisfactory proof of loss and payment of the required fee.
- F. Issuance of license shall be through the City of Elgin administration department during the regular business hours. All accounting and records shall be the responsibility of that department.

SECTION 7

Vicious Dogs. A vicious dog is one which has a propensity to bite or attack any person without provocation.

- A. A vicious dog may be impounded by any peace officer or dog control officer and disposed of in accordance with the provisions of this ordinance.
- B. A vicious dog running at large which because of its disposition or diseased condition is too hazardous to apprehend may be destroyed by a peace officer, or designated person.

SECTION 8.

Biting and Rabid Dogs - Quarantine.

- A. When either the police department, or the department of public health and sanitation or public safety of the City of Elgin has grounds to suspect that a dog is infected with the disease of rabies, there shall be delivered to the owner of the dog a written notice thereof. The owner shall thereupon be required to quarantine the dog for ten (10) days. The biting of any person by the dog shall constitute adequate grounds for suspecting the dog to be so infected. The delivery of the notice to a member of the owner's family 14 years of age or older at the premises where the dog is kept or at the owner's usual place of abode, shall be considered a delivery of the notice. Any dog required to be quarantined shall be confined as follows:
- (1) On the owner's premises in such a manner as to prevent it from being in contact with any other animal or person.
 - (2) At the owner's expense in a veterinary hospital.
- B. Any animal that has been bitten by a dog or other animal proved to be rabid shall be destroyed.
- C. If a dog exhibits symptoms of rabies while it is under quarantine, the director of public health may order in writing that it be destroyed and that its head be submitted to the Oregon State Public Health laboratory.

SECTION 9.

Interference with Officer. It shall be unlawful for any person to interfere in any way with any police officer or dog control officer of the City of Elgin engaged in seizing or impounding any dog under authority of this ordinance.

SECTION 10.

Entry onto Private Land. Any dog control officer or any peace officer shall have the privilege of entering onto private land in the course of the officer's duties in enforcing the provisions of this ordinance, but such officer shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.

SECTION 11.

Fines. Fines shall be set by resolution.

SECTION 12.

Repeal. Ordinance No. 1, Series 1976 and all other ordinances or portions thereof which are inconsistent with the terms of this ordinance are repealed.

SECTION 13.

Severability. If a portion of this ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.

PASSED and ADOPTED this 9th day of November 1982, by 7
council members voting therfor.

APPROVED this 9th day of Nov., 1982

Russell Hays
Mayor

ATTEST:

City Recorder

County of Union }

I certify that the within instrument

writing was received for record on

the 18th day at

Nov. 19 82 at 8:30

clock A. M., and recorded on page

in book Record of

Deeds of said County.

SHIRLEY L. BOLDEN, County Clerk

by Barbara C. Bolen Deputy

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